

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

New Claims 5-10 are pending in this case, original Claims 1-4 having been cancelled by the present amendment. New Claims 5-10 are supported by the specification and original claims. New Claims 5-10 add no new matter.

Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Starkey et al. (U.S. Patent No. 5,428,555, hereinafter "Starkey").

Claims 1-4 have been cancelled, making the present rejection on the merits moot. To the extent that the present rejection applies to the new Claims 5-10, applicant respectfully traverses the rejection.

Starkey discloses two facility and gas management systems. The first, shown in Figure 1A, comprises CPU 12 connected to plurality of PLCs 18a-18f. The CPU reads the status of the PLCs through party line network 20. The CPU does not send commands to the PLCs; it simply reads data from them and displays the data to a user. Starkey further discloses that the CPU comprises resident software for generating real time graphics. (Column 5, line 49 to column 6, line 26)

The second system disclosed by Starkey is shown in Figures 1 and 1B. This system comprises a first CPU, host CPU 13. Host CPU 13 comprises standard off-the-shelf software packages, preferably including a spreadsheet program (Column 6, lines 48-51). A second CPU is located in netport 25. The netport communicates with PLC network 41. Netport 25 comprises the communication protocols necessary to communicate with the PLC network.

New Claim 5 recites a microcomputer comprising an automaton interface driver, an operating system, and a spreadsheet program. The automaton interface driver cooperates with the operating system to provide commands from the spreadsheet program to an

automaton connected with the microcomputer via a communication line and data from the automaton through the communications line. Applicant respectfully urges that neither of the two separate systems disclosed by Starkey contains each of these elements.

To constitute a proper anticipation rejection, “the identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed.Cir.1989). “These elements must be arranged as in the claim under review.” *In re Bond*, 15 U.S.P.Q. 2d 1566, 1567 (Fed. Cir. 1990). Also note *Ex parte Osmond*, 191 USPQ 334, 336 (Bd. Pat. App. & Int. 1973) and MPEP §2131. In the present case, it is clear that neither of the two separate systems disclosed by Starkey contains each and every element of Claim 5, and Starkey does not teach or suggest combining these isolated disclosures.

Starkey teaches that the first system “preferably includes resident software for generating real time graphics in a windows environment.” (Column 5, lines 61-63) There is no teaching of a spreadsheet program, much less a spreadsheet program, automaton interface driver, and operating system performing as specified by Claim 5. Applicant respectfully urges that the first system disclosed by Starkey does not disclose each and every element of Claim 5.

Starkey teaches that the second system “preferably includes a spreadsheet program for generating report documents.” (Column 6, lines 50-51) There is no teaching that the spreadsheet program is providing commands as Claim 5 specifies. In fact, Starkey states that the spreadsheet program is for generating report documents, suggesting that the spreadsheet program is intended to perform alone. Applicant respectfully urges that the second system disclosed by Starkey does not disclose each and every element of Claim 5.

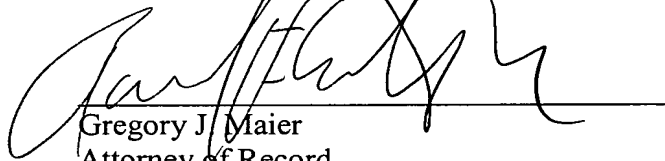
Since applicant believes that neither system disclosed Starkey contains each and every element of Claim 5, and that Starkey does not suggest combining the systems, applicant believes Claim 5 is not anticipated by Starkey.

Claims 6-10 are dependent from Claim 5, with is believed to be patentable over the cited reference for the reasons noted above. Thus, applicant believes Claims 6-10 are patentable over the cited reference as well.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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